IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Stephen Waddell,   Case No. 3:06CV1405

                         Plaintiff

v.   ORDER

Medical University of Ohio,

                         Defendant

Counsel for the plaintiff has filed a motion to recuse the Judge assigned to this case, the Hon.

David A. Katz, Sr. U.S. District Judge. [Doc. 24].

Judge Katz has referred the motion to the undersigned for consideration and adjudication.

For the reasons that follow, the motion shall be denied.

The gravamen of the motion is that an appearance of impropriety would arise because of the

fact that the law firm in which Judge Katz, before his appointment to the federal bench, was a

partner represents the defendant.

Judge Katz left the firm thirteen years ago. So far as I am aware, he has no continuing

professional association or financial interest in it.

The plaintiff fails to cite any legal basis for his motion. That is not surprising, because the

law is clear that a judge's former firm can properly appear before the judge after a reasonable period

has elapsed since they were together. *See, e.g., Draper v. Reynolds*, 369 F.3d 1270, 1381 n.18 (11th

Cir. 2004) (assuming that a judge is no longer receiving financial payment from a former law firm,

a two-year recusal period is generally reasonable) (citing *Guide to Judiciary Policies and*

Procedures, Vol. II, Ch. V, Compendium § 3.3-1(b) (2003)); *see also Ausel v. Unisys Corp.*, 1997

WL 720427, *2 (6th Cir.) ("we find that the judge's impartiality could not be reasonably questioned on the basis of the district judge's remark [about going on vacation with a member of his former firm] or that he was formerly associated with Defendant's counsel on unrelated matters.").

There is no merit to the plaintiff's motion or putative concerns.

It is, accordingly,

ORDERED THAT plaintiff's motion to recuse [Doc. 24] be, and the same hereby is overruled.

So ordered.

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s/James G. Carr
James G. Carr
Chief Judge

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